

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

GEORGE R. VERDUGO,
Plaintiff,

v.

AURORA LOAN SERVICES, LLC; et al.,
Defendants.

2:12-cv-1195-LRH-PAL

ORDER

Before the court is defendant Quality Loan Services, LLC's ("QLS") motion to dismiss. Doc. #5.¹ Pro se plaintiff George R. Verdugo ("Verdugo") filed an opposition (Doc. #8) and a motion to amend (Doc. #9) to which QLS replied (Doc. #11).

Also before the court is defendant Aurora Loan Services, LLC's ("Aurora") motion to dismiss. Doc. #17.

I. Facts and Procedural History

In October 2004, Verdugo refinanced real property through a mortgage note and deed of trust executed by non-party First Magnus Financial Corporation ("Magnus"). Verdugo defaulted on the property and defendants initiated non-judicial foreclosure proceedings.

Subsequently, Verdugo filed a complaint against defendants for wrongful foreclosure. Doc. #1, Exhibit A. Thereafter, defendants filed the present motions to dismiss. Doc. ##5, 17.

¹ Refers to the court's docket entry number.

1 **II. Discussion**

2 The court has reviewed Verdugo's complaint and finds that it fails to sufficiently allege a single
3 cause of action upon which relief can be granted. In his complaint, Verdugo merely sets out the base
4 elements of his claims but fails to allege how defendants acted, and how defendants' actions violated the
5 elements of the claims he puts forth. Specifically, Verdugo fails to allege how defendants improperly
6 foreclosed on his property and what specific statutes defendants violated. Therefore, the court shall grant
7 defendants motions to dismiss. However, because Verdugo is presenting his claims pro se and has
8 requested leave to file an amended complaint addressing the pleading defects identified in the motions to
9 dismiss, the court shall grant him leave to file an amended complaint that sets out specific allegations which
10 support his stated causes of action.

11
12 IT IS THEREFORE ORDERED that defendants' motions to dismiss (Doc. ##5, 17) are
13 GRANTED. Plaintiff's complaint (Doc. #1, Exhibit A) is DISMISSED in its entirety.

14 IT IS FURTHER ORDERED that plaintiff's motion to amend (Doc. #9) is GRANTED. Plaintiff
15 George R. Verdugo shall have thirty (30) days from entry of this order to file an amended complaint.

16 DATED this 6th day of November, 2012.

17
18 

19
20

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
21
22
23
24
25
26